

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
v.) 2:15-CR-301-HDM-(VCF)
)
BRIAN MICHAEL BREWER,)
)
Defendant.)

PRELIMINARY ORDER OF FORFEITURE

This Court finds that defendant BRIAN MICHAEL BREWER pled guilty to Count One of a Two-Count Criminal Indictment charging him with Receipt of Child Pornography in violation of Title 18, United States Code, Section 2252A(a)(2). Criminal Indictment, ECF No. 15; Plea Agreement, ECF No. 22; Change of Plea, ECF No. 28.

This Court finds defendant BRIAN MICHAEL BREWER agreed to the forfeiture of the property set forth in the Plea Agreement and the Forfeiture Allegations of the Criminal Indictment. Criminal Indictment, ECF No. 15; Plea Agreement; ECF No. 22; Change of Plea, ECF No. 28.

This Court finds, pursuant to Fed. R. Crim. P. 32.2(b)(1) and (2), the United States of America has shown the requisite nexus between property set forth in the Plea Agreement and the Forfeiture Allegations of the Criminal Indictment and the offense to which defendant BRIAN MICHAEL BREWER pled guilty.

The following assets are any visual depiction described in Title 18, United States Code, Section 2252A, or any book, magazine, periodical, film, videotape, or other matter which contains any

1 such visual depiction, which was produced, transported, mailed, shipped or received in violation of
2 Title 18, United States Code, Section 2252A(a)(2) or any property, real or personal, used or intended
3 to be used to commit or to promote the commission of violations of Title 18, United States Code,
4 Section 2252A(a)(2) or any property traceable to such property, and are subject to forfeiture pursuant
5 to Title 18, United States Code, Section 2253(a)(1) and (a)(3):

- 6 1. Toshiba laptop computer, Serial number XB05166Q87;
 - 7 2. Kingston 32GB USB drive; and
 - 8 3. Samsung Galaxy 4 cellphone with a SD card
- 9 (all of which constitutes property).

10 This Court finds the United States of America is now entitled to, and should, reduce the
11 aforementioned property to the possession of the United States of America.

12 NOW THEREFORE, IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that the
13 United States of America should seize the aforementioned property.

14 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED all right, title, and interest of
15 BRIAN MICHAEL BREWER in the aforementioned property is forfeited and is vested in the United
16 States of America and shall be safely held by the United States of America until further order of the
17 Court.

18 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED the United States of America
19 shall publish for at least thirty (30) consecutive days on the official internet government forfeiture
20 website, www.forfeiture.gov, notice of this Order, which shall describe the forfeited property, state the
21 time under the applicable statute when a petition contesting the forfeiture must be filed, and state the
22 name and contact information for the government attorney to be served with the petition, pursuant to
23 Fed. R. Crim. P. 32.2(b)(6) and Title 21, United States Code, Section 853(n)(2).

24 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that any individual or entity
25 who claims an interest in the aforementioned property must file a petition for a hearing to adjudicate
26 the validity of the petitioner's alleged interest in the property, which petition shall be signed by the

petitioner under penalty of perjury pursuant to Title 21, United States Code, Section 853(n)(3) and Title 28, United States Code, Section 1746, and shall set forth the nature and extent of the petitioner's right, title, or interest in the forfeited property and any additional facts supporting the petitioner's petition and the relief sought.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED a petition, if any, must be filed with the Clerk of the Court, 333 Las Vegas Boulevard South, Las Vegas, Nevada 89101, no later than thirty (30) days after the notice is sent or, if direct notice was not sent, no later than sixty (60) days after the first day of the publication on the official internet government forfeiture site, www.forfeiture.gov.

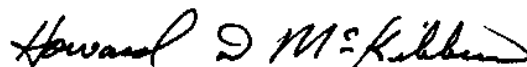
IT IS FURTHER ORDERED, ADJUDGED, AND DECREED a copy of the petition, if any, shall be served upon the Asset Forfeiture Attorney of the United States Attorney's Office at the following address at the time of filing:

Daniel D. Hollingsworth
Assistant United States Attorney
Lloyd D. George United States Courthouse
333 Las Vegas Boulevard South, Suite 5000
Las Vegas, Nevada 89101.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED the notice described herein need not be published in the event a Declaration of Forfeiture is issued by the appropriate agency following publication of notice of seizure and intent to administratively forfeit the above-described property.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the Clerk send copies of this Order to all counsel of record.

DATED this 6th day of January, 2016.



UNITED STATES DISTRICT JUDGE